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PATENT  
ATTORNEY DOCKET NO.: 056291-5082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

John Graham CUMMING

Appln. No.: 10/070,360

Filed: March 5, 2002

FOR: PYRIMIDINE DERIVATIVES

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) Group Art Unit: 1624  
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) Examiner: Balasubramanian. V.  
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Commissioner for Patents  
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2011 South Clark Place  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202  
Sir:

Date: September 22, 2003

**INFORMATION DISCLOSURE STATEMENT**

**Citation of Related U.S. Patent Applications**

The Examiner's attention is directed to the following co-pending U.S. patent applications and patents of Applicant's assignee, which are technically related to the subject application:

Examiner's Initials	Inventor	U.S. Serial No. U.S. Patent No.	U.S. Filing Date	PCT Publication No.	PCT Publication Date
	Brown et al.	09/508,055 6,498,274	Mar. 7, 2000	WO 99/15164	1 April 1999
	Hedge et al.	09/308,173		WO 98/22103	28 May 1998
	Brown et al.	09/674,560 6,579,872	Nov. 2, 2000	WO 99/59959	25 Nov. 1999
	Brown	09/674,428 6,465,455	Nov. 1, 2000	WO 99/59960	25 Nov. 1999
	Brown et al.	09/762,106	Feb. 2, 2001	WO 00/07980	17 Feb. 2000
	Brown et al.	09/762,107 6,432,949	Feb. 2, 2001	WO 00/07991	17 Feb. 2000

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Examiner's Initials	Inventor	U.S. Serial No. U.S. Patent No.	U.S. Filing Date	PCT Publication No.	PCT Publication Date
	Brown et al.	09/787,882 6,455,520	Mar. 23, 2001	WO 00/18738	6 April 2000
	Cumming	09/787,883 6,593,333	Mar. 23, 2001	WO 00/20402	13 April 2000
	Brown et al.	09/936,698 6,548,514	Sept. 17, 2001	WO 00/55120	21 Sept. 2000
	Brown et al.	09/936,758	Sept. 17, 2001	WO 00/55153	21 Sept. 2000
	Cumming	09/937,018	Sept. 20, 2001	WO 00/56738	28 Sept. 2000

The undersigned understands that the text of the U.S. applications and patents are essentially the same as the published PCT Applications, a copy each of which is cited in the accompanying Form PTO-1449 and provided with this Information Disclosure Statement or was cited in the Form PTO-1449 dated March 5, 2002 filed with the International Search Report concurrently with the filing of this application.

**PLEASE DO NOT PRINT** the above application information on the patent resulting from the subject application.

Consideration of each listed application is earnestly solicited since unpublished patent applications are contemplated as IDS material; see the exception in Rule 98(a)(2)(iii) and note the penultimate sentence of MPEP 609.

Further, in keeping with MPEP 609, Subsec. C(2), 2nd para., line 10 to end of the paragraph (especially note lines 18-25) PLEASE RETURN A COPY OF THIS LETTER with the Examiner's initials adjacent each above listing so that applicant will know that each listed application has been considered as required by PTO policy.

#### **Citation of Documents**

Attached is a Form PTO-1449 listing the enclosed documents.

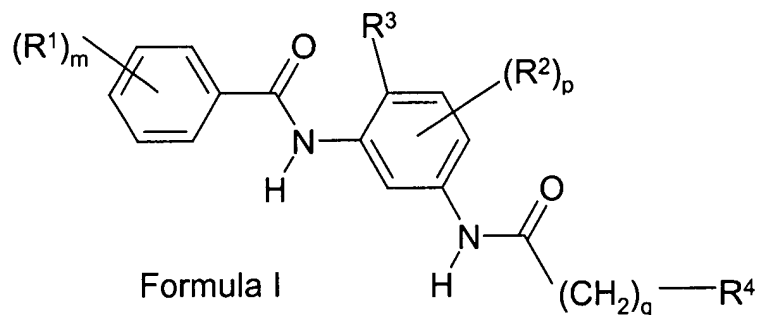
Please charge the Rule 17(p) official fee required by Rule 97(c) to our Deposit Account No. 50-0310 under Order No. 056291-5082.

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to fully comply.

Should a first Action on the merits have been issued on the same day as or before this IDS is filed, please accept this IDS under Rule 97(c) and charge the requisite fee to our Deposit Account under Order No. 056291-5082 and proceed to consider this IDS.

Applicant makes the following observations with respect to certain of the attached references.

Application 09/508,055 (WO 99/15164), concerns a compound of the Formula 1:



All of the above-mentioned U.S. applications or patents are concerned with such "bis-amide" compounds which have the essential structural feature of a central phenyl ring which bears an  $R^3$  group and two amide groups (usually both -NHCO- groups as in the above Formula 1 but sometimes one -NHCO- group and one -CONH- group) which are located in a 1,3-relationship on the central phenyl ring.

In Applications 09/308,173 (WO 98/22103) and 09/508,055 (WO 99/15164), as in Formula 1 above, the amide group to the left of the central phenyl ring is linked to a second phenyl ring substituted by a  $(R^1)_m$  groups whereas the amide group to the right of the central ring is linked via a  $(CH_2)_q$  group to an optionally substituted third ring (aryl or cycloalkyl). Applications 09/308,173 (WO 98/22103) is concerned with the compounds and their anti-tumor activity. Application 09/508,055 (WO 99/15164) is concerned with their use as cytokine inhibitors.

In Application 09/674,428 (WO 99/59960), the  $R^3$  groups, is, for example, halogeno whereas in Application 09/508,055 (WO 99/15164) the  $R^3$  groups is (1-4C)alkyl.

In Application 09/674,560 (WO/99/59959), a more extensive range of  $(R^1)_m$  substituents is specified.

In Application 09/762,106 (WO 00/07980), the amide group to the right of the central phenyl ring is reversed (-CONH- rather than -NHCO-).

In Application 09/762,107 (WO 00/07991), the amide group to the left of the central phenyl ring is linked directly to a heteroaryl ring rather than to a second phenyl ring.

In Application 09/787,882 (WO 00/18738), the amide group to the right of the central phenyl ring is linked to an optionally substituted heteroaryl ring rather than to a third phenyl ring.

In Application 09/787,883 (WO 00/20402), the central phenyl ring bears one amide group (-NHCO-) to the right of the central phenyl ring but the CO portion of the other amide group is replaced by the heteroatom-containing portion of a quinoline or quinazoline ring.

In Application 09/936,698 (WO 00/55120), the amide group to the left of the central phenyl ring is reversed (-NHCO- rather than -COHN-).

In Application 09/936,758 (WO 00/55153), one of the amide groups is constrained within a 3,4-dihydroquinazolin-4-one ring.

In Application 09/937,018 (WO 00/56738), the central phenyl ring bears one amide group (-NHCO-) to the right of the central phenyl ring but the CO portion of the other amide group is replaced by the heteroatom-containing portion of a bicyclic heteroaryl ring (other than the quinoline or quinazoline ring of Applications 09/787,883).

In Application 10/070,360 (the present application), the central phenyl ring bears one amide group (-NHCO-) to the right of the central phenyl ring but the CO portion of the other amide group is replaced by a pyrimidine ring.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith filed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 along with an early action on the merits of this application are earnestly solicited.

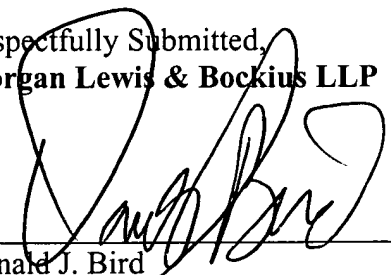
**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required,  
including any required extension of time fees, or credit any overpayment to Deposit Account  
No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME** -in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

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